

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:15-CR-00072(1)-ADA
	§	
(1) LUIS GERARD RIVERA-SEPULVEDA	§	

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On December 5, 2023 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) LUIS GERARD RIVERA-SEPULVEDA, which alleged that Rivera-Sepulveda violated a condition of his supervised release and recommended that Rivera-Sepulveda's supervised release be revoked (Clerk's Document No. 45). A warrant issued and Rivera-Sepulveda was arrested. On January 10, 2024, Rivera-Sepulveda appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set..

Rivera-Sepulveda appeared before the magistrate judge on January 23, 2024, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on January 23, 2024, which provides that having carefully considered

all of the arguments and evidence presented by the Government and Defendant, based on the original offense and the intervening conduct of Rivera-Sepulveda, the magistrate judge recommends that this court revoke Rivera-Sepulveda supervised release and that Rivera-Sepulveda be sentenced to imprisonment for Ninety (90) days, with a term of Five (5) Years of supervised release to follow the term of imprisonment (Clerk's Document No. 58). The Defendant shall not have contact with his grandchildren without an approved chaperone permitting it. The Defendant should receive credit for time served since his arrest on January 8, 2024.

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On January 23, 2024, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To


Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 56). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 58) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) LUIS GERARD RIVERA-SEPULVEDA's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (1) LUIS GERARD RIVERA-SEPULVEDA be imprisoned for Ninety (90) days with a term of supervised release of Five (5) Years to follow the term of imprisonment. All prior conditions of supervised release are reimposed. The Defendant shall not have contact with his grandchildren without an approved chaperone permitting it. The Defendant should receive credit for time served since his arrest on January 8, 2024.

Signed this 24th day of January, 2024.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE